

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

EKIJOINT GOLD, LLC; and JOSE
EMMANUEL LOPEZ VELARDE LUNA,

Plaintiffs,

V.

JAIME DEL COLLINS, Individually and d/b/a Ekijoint Gold USA and as Optiwise Health and as Soundness Solutions, LLC; and OPTI JOINTS LLC,

Defendants.

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CIVIL ACTION NO. SA-23-CA-358-FB

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Before the Court is the Report and Recommendation of United States Magistrate Judge concerning the status of this case, filed on February 5, 2025. (Docket no. 73). To date, no objections to the Report and Recommendation have been received.¹

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).


¹ Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is by electronic means, "service is complete upon transmission." *Id.* at (E).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 73) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff Ekijoint Gold, LLC is DISMISSED WITHOUT PREJUDICE from this case pursuant to Federal Rule of Civil Procedure 41(b) for failure to comply with the Court's orders to retain counsel in this case. This civil action continues to be referred to United States Magistrate Judge Henry J. Bemporad for further proceedings.

The Clerk of Court is directed to provide a copy of this Order to *pro se* Plaintiff Jose Emmanuel Lopez Velarde Luna by email to lopezvelarde@ekijointgold.com.

It is so ORDERED.

SIGNED this 5th day of March, 2025.



FRED BIERY
UNITED STATES DISTRICT JUDGE